

OLSHAN

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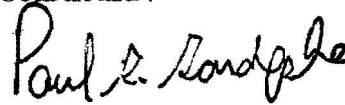
MEMO ENDORSED

BY ECF

Honorable Paul G. Gardephe
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

The conference in this matter, previously scheduled for August 19, 2021, is adjourned sine die. By September 13, 2021, Plaintiff will file a status letter to inform the Court of its progress in serving the summons and complaint on Defendant.

SO ORDERED.



Paul G. Gardephe
United States District Judge
August 16, 2021

Re: **Olshan Frome Wolosky**

Dear Judge Gardephe:

I am counsel for plaintiff Olshan Frome Wolosky LLP (hereinafter, "Plaintiff" or "Olshan") in the above-referenced action. The Court has an Initial Conference currently scheduled for 9:30 AM on August 19, 2021.

Despite multiple attempts to do so, Plaintiff has thus far been unable to serve Anthony Cummings, the only defendant in this action, with process. Accordingly, a joint letter is not possible at this time. Plaintiff respectfully requests that the Court adjourn the conference *sin die* with a September date for Plaintiff to update the Court on the status of service of process.¹

For the Court's information, Plaintiff submits the following information requested in the Court's Notice of Pretrial Conference:

(1) A brief description of the case, including the factual and legal bases for the claims and defenses:

This is an action to enforce the contractual and legal obligations of the defendant to pay Olshan for legal services provided by from 2015 through 2019. Despite a written Engagement Letter, monthly statements of account and demand for payment by Olshan, the defendant ceased paying Olshan. The balance on Plaintiff's invoices total \$86,193.00. Late charges, attorneys' fees and collection costs are recoverable pursuant to the Olshan's written engagement letter and are sought herein. The causes of action asserted are breach of contract, quantum meruit, unjust enrichment and account stated.

¹ The undersigned is also unavailable on August 19th.

August 12, 2021

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(2) Any contemplated motions:

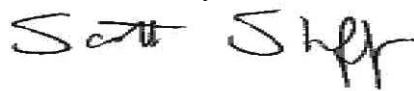
Plaintiff's attempt to serve the defendant with process are continuing. We are advised by our process server that the defendant's listed residence was under renovation and/or construction. We will be making another attempt at service at this address to determine if the construction is complete and the residence occupied. In the event that the next attempt is unsuccessful, Plaintiff contemplates moving for an extension of time for service and for an alternative method of service.

(3) The prospect for settlement:

Prior to the initiation of this action, Plaintiff and Defendant were engaged in settlement negotiations, but such negotiations were unsuccessful, which prompted the filing of this action. There are no current ongoing settlement discussions.

We thank the Court in advance for its consideration of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Shaffer". The signature is written in a cursive, somewhat stylized font.

Scott Shaffer